



DOCKET NO.: 245953US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:
Atsushi TAKEHARA

SERIAL NO: 10/724,099

GROUP: 2852

FILED: December 1, 2003

EXAMINER: R. B. BEATTY

RCE FILED: July 10, 2006

FOR: COLOR IMAGE FORMING APPARATUS

LETTER

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a European Office Action for the Examiner's consideration. The reference(s) cited therein have been previously filed on June 10, 2004.

Respectfully Submitted,

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FROM JTL

2006年 7月15日(土)16:00/審査番号4803965401 P 2



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Application No. 03 028 164.6 - 2209	Ref. 54 522 VIII	Date 05.05.2006
Applicant Ricoh Company, Ltd.		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



Borowski, M
Primary Examiner
for the Examining Division.

Enclosure(s): 3 page/s reasons (Form 2906)

Beschluß/Protokoll (Anlage)	Communication/Minutes (Annex)	Notification/Procès-verbal (Annexe)
Datum Date Date 05.05.2006	Blatt Sheet Feuille 1	Anmelde-Nr.: Application No.: 03 028 164.6 Demande n°:

The examination is being carried out on the following application documents:

Description, pages: 1-23 as originally filed
Claims, No.: 1-12 as originally filed
Drawings, sheets: 1/5-5/5 as received on 27.01.2004 with letter of 27.01.2004

I. Cited Documents

The following documents (D) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: US 5 508 789 ✓	(16/04/1996)	D2: US 5 313 252 ✓	(17/05/1994)
D3: JP 10 186 786 ✓	(14/07/1998)	D4: EP 1 031 892 ✓	(30/08/2000)
D5: US 2002/025 179 ✓	(28/02/2002)	D6: EP 0 432 476 ✓	(19/06/1991)

II. Lack of Novelty

The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of **claims 1 and 9** is not new in the sense of Article 54(1) and (2) EPC.

D1 discloses (col.5 I.19 - col.8 I.65; fig.4):

An electrostatic colour image forming apparatus and an image forming method wherein an toner image on an image carrier 22 is moving at a speed different from the speed of an intermediate medium (col.6 I.46 - col.7 I.58) and wherein the ratio of the speed of the toner image and the intermediate medium is adjusted manually or automatically (adjusting method col.7 I.61 - col.8 I.47).

The subject-matter of **claims 1 and 9** is therefore not new (Article 54(1) and (2) EPC).

It is noted that subject-matter of claims 1 and 9 are also not new with respect to D2: col.3 I.47 - col.8 I.60; fig.1-5 and D3: whole document.

III. Dependent Claims

Dependent **claims 2-8 and 10-12** do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the EPC with respect to novelty and/or inventive step, the reasons being as follows:

Claim 2: not new, D1: Vb/Vd is adjusted by user by performing tests, col.8 I.21-47.

Claim 3, 4: not new, D1: fig.4

Claim 5: not inventive: D1 does disclose Vb/Vd and Vi/Vd (col.6 I.65 - col.7 I.2). The application of a speed mismatch during transfer to the second transfer from the intermediate transfer

Bescheid/Protokoll (Anlage)	Communication/Minutes (Annex)	Notification/Procès-verbal (Annexe)
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member to the print medium is considered not to involve an inventive step, as known for example from D3, abstract.

- Claim 6: not inventive, see claim 5 and 3.
- Claim 7: not new, see claim 1,2 and discussion claim 5.
- Claim 8: not new, see claim 7 and 3.
- Claim 10: not new, see claim 2.
- Claim 11: not inventive, see discussion claim 5.
- Claim 12: not new, see claim 7.

Furthermore, adjusting the speed ratio as a function of environmental parameters (D3, table 3), or speed regulation as a function of the kind of print medium (D5, [0031]-[0082]), or user requirements (quality, etc.; D6 col.3 l.24 - col.9 l.37) are known from the prior art and a combination with the teaching of D1 appear not to involve an inventive step.

IV. Lack of Clarity

The application does not meet the requirements of Article 84 EPC, because claims 1, 2, 5, 7, and 10 are not clear.

1. As explained below, some of the features in the apparatus claims 1, 2, 5, and 7 relate to a method of using the apparatus (*i.e.* a method of speed ratio control) rather than clearly defining the apparatus in terms of its technical features. The intended limitations are therefore not clear from this claim, contrary to the requirements of Article 84 EPC.
 - "ratio of the speed ... is variably controllable...manually or automatically", claim 1.
 - "a user...", "for each of...velocities", "in accordance to...", claim 2, 5, 7.
2. The present structure of the claims, in particular claims 2, 5, and 7 as dependent of claim 1 is unclear. In this context, the use of the term "medium" in claims 1 and 7 is misleading. In order to avoid lack of clarity it is suggested to formulate independent claims relating to an image forming apparatus using a paper conveyor belt and an apparatus using an intermediate transfer member. Such splitting of the claims would increase the clarity and would be in agreement with Article 84 in combination with Rule 29(2) EPC.
3. It is not clear what is meant as "*plurality of process linear velocities*" in claims 2, 5, 7.
4. It is not clear what is meant as "...*ratio is variably or alterably depending of ... a user*" in claim 10 (similar for claims 2, 5, 7). Age, language, size, nationality ?
5. It is not clear what is meant as "*other troubles in the market*" on p.17 l.22 of the description.



Beschluß/Protokoll (Anlage)	Communication/Minutes (Annex)	Notification/Procès-verbal (Annexe)
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V. Further Remarks

The applicant is requested to file new claims which take account of the above and below comments. Independent claims should be filed in the two-part form in accordance with Rule 29(1) EPC, which in the present case would be appropriate, with those features known from in combination from the prior art (D1) being placed in the preamble (Rule 29(1)(a) EPC) and with the remaining features being included in the characterising part (Rule 29(1)(b) EPC).

The features of the claims should be provided with reference signs placed in parentheses to increase the intelligibility of the claims (Rule 29(7) EPC). This applies to both the preamble and characterising portion (see the Guidelines, C-III, 4.11).

To meet the requirements of Rule 27(1)(b) EPC, the documents D1-D6 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.